



**PATENT**

Doc. No.:POR1000.02A1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Robert Austin Porter  
Serial No.: 10/609,114  
Filed: June 27, 2003  
For: Apparatus and method for automatically  
grading and inputting grades to electronic  
gradebooks

Examiner: Victor Cheung

Art Unit: 3714

**1.132 DECLARATION**

Sacramento, CA 95608

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

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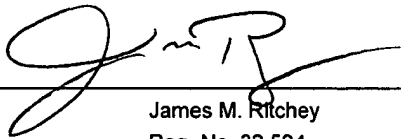
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on January 23, 2009

By: \_\_\_\_\_

  
James M. Ritchey  
Reg. No. 32,594

Dear Sir:

I, Richard A. Carey declare as follows:

1. I am an educational technology consultant and product developer and was asked by Richard Porter to participate in an evaluation of the GradeCam invention.

2. I have a Bachelor of Arts degree with a concentration in Cinema and Education from Goddard College, and have been working in the educational media, technology and publishing markets since 1972.

3. I am currently based in Brooklyn, NY and have worked for and with educational technology companies across the US and in the United Kingdom.

4. Currently I am self-employed as a consultant and contract developer. Previously I have been employed as a director of educational software, technology and media product development by Pearson Education, Scholastic, Houghton Mifflin, and have performed contract, consulting and freelance product development work for many other companies in the education, consumer media and business media markets.

5. On April 23, 2008 I set up the GradeCam and its associated software in my office and tested its ability to capture, input and evaluate answers to a multiple choice test on "bubble forms" – multi-question forms where the test subject fills in a circle corresponding to the correct answer.

The results from my test were impressive. The GradeCam system was easy to set up and use and functioned as promised. It was also very fault-tolerant, an important attribute for use in the classroom. I tested the GradeCam with the camera in a fixed position on its stand and hand-held, with even lighting and with uneven lighting, and the data was captured and interpreted correctly in each case.

6. Although there are many devices in the market for capturing, scoring and interpreting student test data, including a variety of optical and mechanical scanners, hand held infrared controllers and personal digital assistants, I am not aware of nor have I seen a test scoring device that works the same way. Further, accurately reading such a form at a wide range of orientations and distortions can

not be accomplished using any existing software or hardware that I know of. Therefore, I do not consider this to be a trivial extension of an existing technology but a unique method of test result scoring.

7. I further declare further that all statements made herein of my own knowledge, experience and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001 and that such false statements may jeopardize the validity of this document and the application to which it relates.

Signed:   
this 25<sup>th</sup> day of April, 2008.

By: Richard A. Carey

Managing Director

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